

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DICK V. LALOWSKI,

Plaintiff,

VS.

CITY OF DES PLAINES, Illinois, a  
Municipal corporation; DES PLAINES  
BOARD OF FIRE & POLICE  
COMMISSIONERS, a municipal corporation;  
JAMES PRANDINI, individually, and as Chief  
of Police for City of Des Plaines,

Defendants.

Case No. 08 C 3780

Judge James B. Zagel

Magistrate Judge Denlow

**MOTION TO VACATE TECHNICAL DEFAULTS AND FOR THE SETTING OF A  
DATE FOR THE FILING OF THE ADMINISTRATIVE RECORD BY THE  
DES PLAINES BOARD OF FIRE AND POLICE COMMISSIONERS**

The Defendant, Des Plaines Board of Fire and Police Commissioners, by and through its attorney, Charles E. Hervas, of HERVAS, CONDON & BERSANI, P.C., respectfully moves this Court to vacate technical defaults and set a date for the filing of the Administrative Record in this matter. In support of this motion, the Defendant states as follows:

1. In Count V of Plaintiff's Complaint, Plaintiff seeks administrative review of his employment termination pursuant to the Illinois Administrative Review Act (735 ILCS § 5/3-101 *et seq*).

2. Pursuant to 735 ILCS § 5/3-108(b), the answer of the Board shall consist of the Record of Proceedings before the administrative body. The Record of Proceedings before the Des Plaines Fire and Police Commission is voluminous and contains the hearing transcripts, exhibits, and pleadings relating to the Board's ultimate determination to sustain the charges

against the Plaintiff and to order the Plaintiff's termination of employment from the Des Plaines Police Department.

3. The co-defendants have moved this Court for an order to vacate any technical defaults and for an extension of time to answer or otherwise plead to the Plaintiff's complaint. Likewise, the Des Plaines Board of Fire and Police Commissioners also requests that the Court vacate any technical defaults against it.

WHEREFORE, the Defendant, Des Plaines Board of Fire and Police Commissioners, respectfully request that this Court vacate any technical defaults against the Des Plaines Board of Fire and Police Commissioners and to set a date for the filing of the administrative record.

**s/CHARLES E. HERVAS**

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Plaintiff,	)	
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vs.	)	
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CITY OF DES PLAINES, Illinois, a	)	
Municipal corporation; DES PLAINES	)	Judge James B. Zagel
BOARD OF FIRE & POLICE	)	
COMMISSIONERS, a municipal corporation;	)	Magistrate Judge Denlow
JAMES PRANDINI, individually, and as Chief	)	
of Police for City of Des Plaines,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 2008, I electronically filed the foregoing *Motion to Vacate Technical Defaults and for the Setting of a Date for the Filing of the Administrative Record by the Des Plaines Board of Fire and Police Commissioners* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

<b>TO:</b> Ellen K. Emery Lucy B. Bednarek Ancel Glink Diamond Bush DiCianni & Krafthefer PC 140 South Dearborn Street Sixth Floor Chicago, IL 60603	Richard J. Reimer Keith A. Karlson Richard J. Reimer & Associates LLC 15 Spinning Wheel Road Suite 310 Hinsdale, IL 60521
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**s/Charles E. Hervas**

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